

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JEREMY PEARSON,

Plaintiff,

v.

CORECIVIC, INC., et al.,

Defendants.

NO. 3:17-cv-00485

CHIEF JUDGE CRENSHAW

ORDER

On May 25, 2018, the Court first considered a Report and Recommendation (Doc. No. 122) issued by the Magistrate Judge recommending that the Defendants' Motion for Summary Judgment be granted (Doc No. 109). Specifically, the Magistrate Judge recommended granting the Defendants' Motion for Summary Judgment as to (a) Defendant Amanuel based upon Plaintiff's failure to respond and (b) the remaining Defendants based upon Plaintiff's (1) failure to respond and (2) failure to exhaust administrative remedies. (Doc. No. 122.)

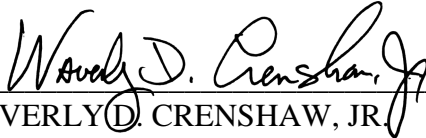
Although Plaintiff had not responded to the Motion for Summary Judgment, he had filed a Motion for Extension of Time to File Response (Doc. No. 121) significantly late. Plaintiff asked for "more time" because he had been receiving mental health treatment. While obviously not a "response" to the Motion for Summary Judgment, this request did suggest some basic disagreement with the facts asserted by Defendants in the Motion for Summary Judgment. (*Id.*) The Magistrate Judge was unpersuaded by this request (*see* Doc. No. 122 at 9-10) and denied it. (Doc. No. 123.) The Magistrate Judge then properly relied upon the facts set forth by the Defendant as the undisputed facts in this case under L.Civ.R. 56.01. On the basis of those undisputed facts,

the Magistrate Judge recommended that Defendants' Motion for Summary Judgment be granted. (Doc. No. 122.) Plaintiff did not file objections to the Report and Recommendation.

To give Plaintiff every benefit of the doubt, the Court ordered that Plaintiff could respond to the Report and Recommendation within an additional 30 days. (Doc. No. 124.) The Court held the Report and Recommendation in abeyance pending that period of time and warned the Plaintiff that “[f]ailure to file a response within the allotted time risks dismissal of this action.” (Id. at 2 (emphasis in original).)

Plaintiff has not responded in any way. Accordingly, based upon the analysis of the Magistrate Judge, the Court **APPROVES AND ADOPTS** the Report and Recommendation (Doc. No. 122) and **GRANTS** the Motion for Summary Judgment (Doc. No. 109). This is a final order. The Clerk shall issue judgment under the Federal Rules of Civil Procedure and close the file.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE